

COURT OF APPEALS
DIVISION TWO
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON)

Respondent,)

v.)

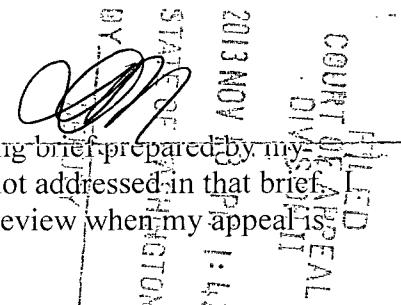
CARL L. WARNER)

(your name))

Appellant.)

No. 44722-3-11

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW



I, CARL L. WARNER, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Additional Ground 1

INEFFECTIVE ASSISTANCE OF COUNSEL: MR. FOLLEISSEN FAILED TO INTRODUCE EVIDENCE (PICTURES) AND TAPES THAT WERE VITAL TO DEFENSE. HE DID NOT CALL ANY SCHEDULED WITNESSES OR INTRODUCE ANY OF THE FACTS RELEVANT TO THE CASE PLEASE SEE COURT TRANSCRIPTS Pg 9 LINE 12-15, Pg 14 LINE 2 - Pg 15 LINE 7, Pg 22 LINE 23 - Pg 23 LINE 4, Pg 48 LINE 9 - Pg 49 LINE 21, Pg 79 LINE 12 - Pg 81 LINE 23. (Pg. 47 LINE 1-17)

Additional Ground 2

FABRICATED STATEMENTS. Pg 36 LINE 1 Contradicts her statement ON Pg 9 Line 15

If there are additional grounds, a brief summary is attached to this statement.

Date: 11/14/13

Signature: C. Warner

RECEIVED

NOV 18 2013

TO WHOM IT MAY CONCERN CLERK OF COURT OF APPEALS DIV II
STATE OF WASHINGTON

IT IS MY OPINION THAT MR. FELLEISEN FAILED CONSIDERABLY IN HIS ASSIGNED DUTY TO REPRESENT ME IN THIS MATTER.

The defense he discussed with me, included (2) 8 by 10 photo's of Ms. NORVEY taken by an officer at the scene, which clearly contradict the officers statement that there was blood in her mouth. also contradicting Ms. NORVEY'S statement that she had a busted lip, and supporting her recanting statement that she had no injury. (see transcript)

There were Taped phone conversations with MR. FELLEISEN and MS. NORVEY where Mr. FELLEISEN informed me that Ms. NORVEY recanted her statement. While Mr. FELLEISEN did address the tapes in a pre trial hearing (where the state stated that the tapes had been lost or misplaced) he failed to introduce this evidence in trial. There was also the mention of (I believe) over 20 calls to the prosecutors office that at one point Mr. FELLEISEN felt were pertinent to the case but failed to address in trial.

MR. FELLEISEN had MS. NORVEY
INTERVIEWED ON TWO DIFFERENT OCCASIONS.
ONCE BY BOB DEPAN FROM HIS OFFICE;
AND AGAIN BY MR. LATOINETTE WHO I
BELIEVE IS A PRIVATE INVESTIGATOR. THEN
A THIRD TIME WHEN HE INTERVIEWED HER
HIMSELF. MR. FELLEISEN INFORMED ME
THAT BOTH MR. DEPAN AND MR. LATOINETTE
WOULD BE CALLED AS WITNESSES FOR THE
DEFENSE.

MR. FELLEISEN WAS GREATLY INCOMPETENT
IN HIS CROSS OF MS. NORVEY, FAILING TO
ASK ANY RELEVANT QUESTIONS.

IT WAS CLEAR THAT MS. NORVEY WAS
UNDER THE INFLUENCE OF HEROIN AND
OTHER DRUGS AT THE TIME OF THE ALLEGED
INCIDENT MAKING ANY STATEMENT SHE MADE
AT THE TIME SEVERELY IMPAIRED.

I FEEL THAT MR. FELLEISEN WAS GROSSLY
INCOMPETENT IN NOT INTRODUCING ANY OF
THE FACTS OR CALLING ANY WITNESSES.

I FEEL THAT THE JUDGE WAS IN
ERROR IN ALLOWING THE 911 TAPED BREATH AND
EXITED UTTERANCE. CLEARLY MS. NORVEY
FABRICATED STATEMENTS IN THAT CALL.

BASED ON THE ISSUES PRESENTED BY
BOTH MY ATTORNEY AND MYSELF I
STRONGLY FEEL THAT A NEW TRIAL WOULD
BE IN ORDER.

THERE IS CLEARLY AN ISSUE OF
INFFECTIVE ASSISTANCE OF COUNSEL.
THE JUDGE WAS IN ERROR IN ALLOWING
THE STATEMENT OF A WITNESS WHILE
SEVERELY IMPAIRED BY DRUGS,
ALSO THE VICTIM FABRICATED STATEMENTS
AND BY DOING SO NULLIFYING ANY EXCUSED
UTTERANCES.

I HAVE WITNESSED THE 8 BY 10 PHOTOS
OF MS. MORSE SO THEY ARE IN MR FULLERSON'S
PERSONAL FILE. THE PHONE CALLS AND
INTERVIEWS ARE A MATTER OF COURT RECORDS.

I STRONGLY FEEL THAT IF A JURY WERE
TO BE GRANTED ACCESS TO THE FACTS AND
EVIDENCE IN POSSESSION OF THE DEFENSE
THE VERDICT WOULD HAVE BEEN DIFFERENT.

THANK YOU!